

Applicant: James A. Proctor, Jr.
Application No.: 10/767,843

REMARKS/ARGUMENTS

After the foregoing Amendment claims 1-4, 8-11, 13-14, 18-20 and 42-43 are currently pending in this application. Claims 5-7, 12, 15-17 and 21 were previously cancelled. Claims 22-41 were previously withdrawn. Claims 1, 3, 4, 8, 11, 13, 14, 18 and 42 are amended. Applicant submits that no new matter has been introduced into the application by these amendments.

Claim Objections

Claim 42 is objected to for informality. Applicant amended Claim 42 and respectfully requests withdrawal of the objection.

Claim Rejections - 35 USC §112

Claims 1, 3, 4, 11, 13 and 14 are rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended Claims 1, 3, 4, 11, 13 and 14 for purposes of clarification and respectfully requests withdrawal of the rejections.

Claim Rejections - 35 USC §103

Claims 1, 2, 11, 42 and 43 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,324,160 to Martin et al. (hereinafter "Martin")

in view of U.S. Patent No. 6,332,008 to Giallorenzi et al. (hereinafter “Giallorenzi”) and U.S. Patent No. 7,272,163 to Hao et al. (hereinafter “Hao”).

Independent claims 1, 11 and 42, as amended, are not taught or disclosed by the cited references. Claims 1, 11 and 42 recite a first plurality of reverse link signals and a second plurality of reverse link signals in a time interval. The reverse link signal of the first plurality of reverse link signals being derived from a common pseudo noise (PN) sequence and an unique orthogonal sequence. The reverse link signal of the second plurality of reverse link signals being derived from a unique pseudo noise (PN) sequence. Martin and Giallorenzi, as stated in their respective specifications, are IS-95 based systems. IS-95 based systems use a different pseudonoise (PN) binary code sequence for each user. Neither teaches the use of a common code with an orthogonal sequence as recited in claims 1, 11 and 42. In particular, the Martin/Giallorenzi IS-95 based systems teach the use of a different PN code for each reverse link signal. Since each is uniquely identified there would be no need for additional coding for multiple subscribers using the IS-95 scheme as stated in the Office Action. In particular, one of ordinary skill in the art would have no reason, need or rationale to review other references. Moreover, Hao is based on a different architecture and coding scheme. Inserting a 3G based technology into a 2G based technology (IS-95) by combining selective portions based on Applicant’s

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specification is neither rationale, workable or appropriate. Applicant respectfully requests withdrawal of the rejection.

Claims 2 and 43 are dependent on independent claims 1 and 42 and are believed allowable for the reasons stated above and Applicant respectfully requests allowance of same.

Claims 3, 4, 8-10, 13, 14 and 18-20 are rejected under 35 USC §103(a) as being unpatentable over Martin, Giallorenzi and Hao as applied to claims 1 and 11 above, and further in view of U.S. Patent Application Publication No. 2007/0076583 to Hadad. Claims 3, 4, 8-10, 13, 14 and 18-20 are dependent from independent claims 1 and 11, respectively, and are believed allowable for the reasons stated above. Applicant respectfully requests withdrawal of the rejection.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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